

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

Proposing rule making related to the home and community-based services revolving loan program and providing an opportunity for public comment

The Iowa Finance Authority hereby proposes to amend Chapter 21, “Home and Community-Based Services Revolving Loan Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 16.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 16.47.

Purpose and Summary

This proposed rule making updates statutory references and references to departments that no longer exist. This rule making also changes the requirements to demonstrate a local contributing effort in order to better align the Home and Community-Based Services Revolving Loan Program with other revolving loan programs administered by the Authority.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Authority no later than 4:30 p.m. on October 15, 2019. Comments should be directed to:

Kristin Hanks-Bents
Iowa Finance Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: kristin.hanks-bents@iowafinance.com

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 265—21.1(16) as follows:

265—21.1(16) Purpose. Through its home and community-based services revolving loan program (program), the authority seeks to assist in the development and expansion of specific community-based services (adult day services, respite services, congregate meals, health and wellness, health screening, and nutritional assessments) that will allow ~~older~~ persons of low income to remain in their homes. This chapter implements Iowa Code section ~~16.183 as amended by 2006 Iowa Acts, House File 2734, section 34,~~ 16.47 and furthers the goals specified in Iowa Code section 231.3.

ITEM 2. Amend subrule 21.5(1) as follows:

21.5(1) Projects eligible for assistance must meet the following criteria:

a. In the case of adult day services, the project must:

(1) to (3) No change.

(4) Become and remain certified as an adult day services provider, as set forth in ~~321—Chapter 24~~ 481—Chapters 67 and 70.

b. to e. No change.

f. In the case of programming space for nutritional assessments, the program must:

(1) and (2) No change.

(3) Accept third-party reimbursement for nutritional counseling, including one or both of the following:

1. Medicaid 1915(c) waiver(s) and meet the standards set forth in human services department rules in ~~441—Chapters 77 and 78;~~

2. The Older Americans Act, 42 U.S.C. § 3001 et seq., and meet the standards set forth in ~~elder affairs department~~ the department on aging's rules in 321—Chapter 7 ~~17—Chapter 7.~~

g. to j. No change.

ITEM 3. Amend subrule 21.5(3) as follows:

21.5(3) Assistance will be provided upon the following terms and conditions:

a. to e. No change.

f. Each project receiving assistance ~~must~~ may demonstrate a local contributing effort, as such term is used in Iowa Code section 16.4, ~~of not less than 1 percent of the total loan amount.~~

g. No change.

ITEM 4. Amend rule 265—21.6(16) as follows:

265—21.6(16) Authority analysis of applications. Authority staff, in cooperation with the department of ~~elder affairs staff~~ inspections and appeals or the department on aging (or both, as necessary), will analyze and underwrite each potential project and will make recommendations for funding assistance to the board of the authority. Authority staff will use such procedures and processes in its underwriting and analysis as it deems necessary and appropriate in connection with furthering the purposes of this program. In addition, the authority anticipates that, because of the complex nature of each transaction, and the particular set of circumstances attributable to each particular application/transaction, the terms and conditions of loans may vary from project to project. The authority will make available its general operating procedures and guidelines for this program.

ITEM 5. Amend ~~265~~**Chapter 21**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section ~~16.5(17)~~ and section ~~16.183~~ as amended by 2006 Iowa Acts, House File ~~2734~~, section ~~34~~ 16.47.